

# ATTACHMENT 1



Michigan Supreme Court  
State Court Administrative Office  
P.O. Box 30048  
Lansing, Michigan 48909  
Phone: (517) 373-9353 Fax: (517) 373-8760  
James P. Hughes, Regional Administrator

Personal and Confidential

July 15, 2005

Honorable Beverley Renee Nettles-Nickerson  
30th Circuit Court  
Veterans Memorial Courthouse  
313 W. Kalamazoo St.  
PO Box 40771  
Lansing, MI 48901

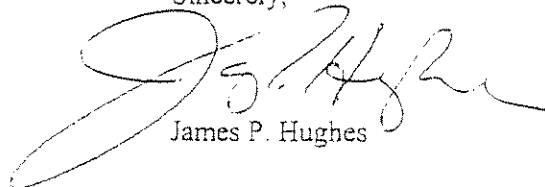
P.O. Box 19125  
Lansing, MI. 48901

Dear Judge Nettles-Nickerson:

I write to confirm our discussions held by telephone and in person this week.

- 1) You have changed your personal mailing address to P.O. Box 19125, Lansing, Michigan. 48901.
- 2) SCAO does not have a procedure for assignment of a judge from another county to a judge's divorce case unless and until a request for assignment is received from the affected court. This could occur following the disqualification of the judges of the court.
- 3) Residence requirements in divorce proceedings are governed by MCL 552.9, which states in part: "the complainant or defendant has resided in the county in which the complaint is filed for 10 days immediately proceeding the filing of the complaint."
- 4) A judge is required to reside in the county in which she/he serves. Therefore, if a judge established residency in another county to satisfy the residency requirement for the filing of a divorce, the office would be vacated, pursuant to Article VI, section 20 of the Michigan Constitution.

Sincerely,



James P. Hughes

alm

# ATTACHMENT 2



Calder Plaza Building  
250 Monroe Avenue NW  
Suite 800  
P.O. Box 306  
Grand Rapids, MI 49501-0306

TTT MERITAS LAW FIRMS WORLDWIDE

**MICHAEL B. QUINN**  
Attorney at Law  
616.831.1755  
616.988.1755 fax  
quinnm@millerjohnson.com

May 30, 2007

Stephani A. Judd  
Law Office of Philip J. Thomas  
15450 E. Jefferson Avenue, Suite 160  
Grosse Pointe, Park, MI 48230

Re: Beverley R. Nickerson v. Daniel E. Nickerson, Jr.  
Case No: 05-08135-DM

Dear Ms. Judd:

I have been a member of the State Bar of Michigan in good standing since 1977. I represented Beverley Nettles-Nickerson in her divorce. Although I was not representing her at the time the complaint was filed, I took over the case shortly thereafter. Her former husband, Daniel Nickerson, represented himself.

Former judge James B. Howard acted as a mediator in the case to facilitate a mutually agreeable settlement. I recall at least one joint session as well as multiple separate caucuses. During one of the mediation sessions, which occurred on April 18, 2006, I wanted to confirm Mr. Nickerson's residency at the time the complaint was filed. I questioned Mr. Nickerson regarding that issue, and he assured me that at the time the complaint was filed he was living at his mother's residence in Grand Rapids. Based upon his assurance, I was satisfied that venue was proper and any judgment filed would not be overturned based upon such.

If you have any further questions or concerns, feel free to contact me.

Sincerely,

MILLER JOHNSON

A handwritten signature in black ink, appearing to read 'Michael B. Quinn', written over a horizontal line.

By

Michael B. Quinn

MBQ:lo

# ATTACHMENT 3

STATE OF MICHIGAN		CASE NO.
17th JUDICIAL DISTRICT	SUMMONS AND COMPLAINT	05 - 08135 - DM
JUDICIAL CIRCUIT		
COUNTY PROBATE		

Court address

County Courthouse 180 Ottawa Ave NW Grand Rapids MI 49503

Court telephone no.

616)632-5480

Plaintiff name(s), address(es), and telephone no(s).

BEVERLY R. NICKERSON  
3843 Cornice Falls Drive  
Apartment #6  
Holt MI 48842  
517)290-5378

v

Defendant name(s), address(es), and telephone no(s).

DANIEL E. NICKERSON, Jr.  
4320 Kalamazoo Avenue S.E.  
Grand Rapids MI 49508  
616)281-2504

Plaintiff attorney, bar no., address, and telephone no.

CHARLES R. DANNISON, Esq.  
4519 Cascade Road S.E.  
Suite 17  
Grand Rapids MI 49546-8319  
616)942-7400

**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	Nov 14 2005	This summons expires	NOV 14 2006	Court clerk	MARY HOLLINRAKE
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This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

## Family Division Cases

- ☒ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

## General Civil Cases

- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Ingham County, Michigan	Kent County, Michigan
Place where action arose or business conducted	
Ingham County, Michigan	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of disabilities, contact the court immediately to make arrangements.

PROOF OF SERVICE

SUMMONS AND COMPLAINT  
Case No. 05-08135-DM

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ OFFICER CERTIFICATE

OR

☐ AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_  
List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ After diligent search and inquiry, I have been unable to find and serve the following defendant(s):

I have made the following efforts in attempting to serve the defendant(s): \_\_\_\_\_

☐ I have personally attempted to serve the summons and complaint, together with \_\_\_\_\_  
Attachment

\_\_\_\_\_ on \_\_\_\_\_  
Name

at \_\_\_\_\_  
Address

and have been unable to complete service because the address was incorrect at the time of filing.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with Complaint For Divorce, Motion For Temporary Order, For Handover, Reschedule Dispute Hearing Attachments and stipulations to entry of temporary order  
on WEDNESDAY AUGUST 17, 2005 @ 1:50 p.m.  
Day, date, time

on behalf of SELF

Signature

10-172

Approved, SCAO

PROBATE JDC CODE, POM

STATE OF MICHIGAN JUDICIAL DISTRICT 17th JUDICIAL CIRCUIT COUNTY PROBATE	PROOF OF MAILING	CASE NO. 05-08135-DM
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Court address

Court telephone no.

Courthouse 180 Ottawa Avenue N.W., Suite 2400 Grand Rapids MI 49503 616)632-5480

Plaintiff(s) BEVERLEY R NICKERSON 3687 Beech Tree Lane Okemos MI 48864	v	Defendant(s) DANIEL E NICKERSON, Jr. 4320 Kalamazoo Avenue SE Apartment 317 Grand Rapids MI 49508
<input type="checkbox"/> Juvenile In the matter of _____ <input type="checkbox"/> Probate In the matter of _____		

On the date below I sent by first class mail a copy of VERIFIED STATEMENT

to: Names and addresses

BEVERLEY R NICKERSON  
3687 Beech Tree Lane  
Okemos MI 48864DANIEL E. NICKERSON, Jr.  
4320 Kalamazoo Avenue S.E.  
Apartment 317  
Grand Rapids MI 49508REC'D & FILED  
MICHIGAN COUNTY  
CIRCUIT COURT

2005 SEP -6 PM12:45

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature

Jennifer F. Hume, Assistant

Name (type or print) CHARLES R. DANNISON, Esq. (P42381)



# ATTACHMENT 4

AFFIDAVIT OF TRINIDAD MORALES

Trinidad Morales, being first duly sworn, deposes and states as follows:

1. I am the former Deputy Court Clerk for Judge Beverley Nettles-Nickerson.
2. I do not have any written court note or records for the date of October 31, 2005.
3. A record of Judge Nettles-Nickerson's schedule is available through the CourtView system used for 30<sup>th</sup> Judicial Circuit Court.
4. CourtView Schedule Report for the date of October 31, 2005 [Attachment A] states "No records found".
5. CourtView Judge's Calendar Display for the date of October 31, 2005 [Attachment B] states "No Records found for Search Criteria".
6. According to the stated information, Judge Nettles-Nickerson did not have any hearings scheduled for the date of October 31, 2005

Further affiant sayeth not.

Trinidad Morales  
Trinidad Morales

April 5, 2007  
Date

Subscribed and sworn to before me  
this 5<sup>th</sup> day of April, 2007

Heather M. Bostater  
Notary Public, Ingham County, Michigan  
My Commission Expires: 03/25/12

Heather M. Bostater  
Notary Public, Ingham County, MI  
My Comm. Expires Mar 25, 2012  
I am in County of Ingham

# ATTACHMENT 5

**From:** Hon. Beverley Nettles-Nickerson  
**To:** Easterday, David  
**Subject:** Re: Exchanging positions JA

November 20, 2006

Hi David, Angie and I again have discussed the potential for an exchange job possibility. Although she would like to remain with the county she is interested in a different career path within the county and decided she is not interested in working in our clerks office. I respect her decision. Angie will be an asset and a welcome addition to any staff or organization.

We are disappointed that information could not be obtained regarding job exchanging before having to make a final decision. However, due to the imposition of the county six week hiring-freeze and the fact that Angela has been exploring other job opportunities when she accepts a position she is only obligated to give two-week notice. That is fair to her new employer and I do understand. This would, however, result in an extreme hardship to the litigants, clients and other staff. Not the fault of any party, budget restraints are unfortunately a part of life.

Angie and I agree that its acceptable to want a career change we cannot decide what is a reasonable amount of time to explore job possibilities without a tremendous burden to this court. Thus, I will amend my acceptance of her resignation, dated 11-17-06 to a termination effective 12-1-06 only to allow immediate posting and the six-week hiring freeze to commence. I would like the opportunity to allow Angela to amended the termination to a voluntary dismissal. Thank you

>>> David Easterday 11/20/2006 1:59 PM >>>

I have not received a copy of Angela's letter of resignation or your letter indicating termination. Until one or the other of those is received no further action can be taken.

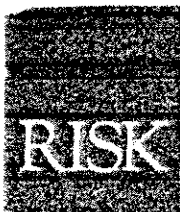
>>> Hon. Beverley Nettles-Nickerson 11/20/2006 1:31 PM >>>

Hello David; I email you on Friday, Nov 17th regarding Angela being able to maintain county employment without disruption of benefits. Angela and I were interested on how this should take place on or before December 1, 2006. I would appreciated every effort to accommodate Angela and support her desire to maintain county employment in a different position. The exact same job exchange that occurred less than a month ago with Judge Manderfield's JA and Judge Draganchuk's clerk. Angie has made application with the prosecutor's office.

Thanking you in advance.

**CC:** Morgan, Angela

# ATTACHMENT 6



Michigan Municipal  
RISK MANAGEMENT  
AUTHORITY

March 7, 2007

Honorable Beverly Nettles Nickerson  
Ingham County / 30<sup>th</sup> Circuit Court  
P.O. Box 19125  
Lansing, MI 48901

Re: Morgan vs Ingham County  
2007-124-011 CVR (133637)

Dear Judge Nickerson,

As I explained during our telephone conversation yesterday, the MMRMA Board has a long established policy regarding the use of defense attorneys.

The Board has a long standing relationship with two law firms: Cummings, McChesney, Davis and Aho and Johnson, Rosati, LaFarge, Aseltine and Field.

Certain Members, like Ingham County, have retained a larger SIR and thus may request that other law firms be allowed to handle some of their cases, subject to those law firms complying with the Litigation Management Protocol (LMP) adopted by the MMRMA.

Ingham County is one of the Members with a large SIR and has received permission to have Cohl, Stoker and Doskey handle some of the Ingham County cases.

As you can see from the attached copy of Memorandum 91-8, one of the factors that precludes a law firm from consideration is having sued a Member in a covered case within the last five years.

As I explained to you, this is not a reflection on the quality of Attorney Amos Williams' work but merely the type of work he does. In the past, he has sued our Members in covered cases.

As you noted, there are time pressures and so we have assigned the defense of this case to Attorney Ethan Vinson, who has experience in handling this type of case.

Mr. Vinson will be contacting you shortly to begin to develop a strategy for defending this lawsuit.

If I can be of any further assistance, feel free to contact me or Gloria Windrey, the Senior Claims Adjuster assigned to this case.

Very truly yours,

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY

Michael Ellis  
Director of Claims

MMRMA

Enclosures/ LMP / Memorandum 91-8

CLAIMS

14001 Meridian • Livonia, MI 48151  
(734) 433-0900 • FAX (734) 433-6318 • [svr@mmrma.org](mailto:svr@mmrma.org)

# ATTACHMENT 7

AFFIDAVIT OF ETHAN VINSON

STATE OF MICHIGAN)  
  )SS  
COUNTY OF WAYNE )


ETHAN VINSON, being duly sworn, deposes and states the following:

1. My name is Ethan Vinson and I am licensed to practice law in the State of Michigan.
2. That on March 5, 2007, I was retained by the Michigan Municipal Risk Management Authority to represent Beverly Nettles-Nickerson in the lawsuit of Angela Morgan v County of Ingham, Beverly Nettles-Nickerson, and Ingham County Circuit Court.
3. That I was retained to represent Ms. Nettles-Nickerson because the attorney for the County and Ingham County Circuit Court felt it was conflict of interest for him to represent her as well and the County and the Circuit Court.
4. That prior to entering my Appearance, I had conversations with the attorney for the County and was advised that settlement discussions were being conducted. In fact, I was advised that it would be considered an act of hostility if an Answer were filed.
5. That on March 14<sup>th</sup>, I entered an Appearance in the above-referenced matter.
6. That on March 15<sup>th</sup>, I met with Judge Nettles-Nickerson to obtain background information in which to prepare an Answer to the Complaint. During the course of our meeting I told Judge Nettles-Nickerson that I had been advised that the County was engaged in settlement talks but did not know the status of said talks since I was not a part of them.
7. That on March 15, 2007, I contacted the attorney for the County and the Circuit Court and was advised that the case had in fact been settled.
8. That I had no input in the settlement discussions nor was I consulted on behalf of my client.

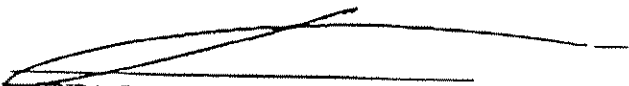


9. That I have not received a copy of the Settlement Agreement or Order of Dismissal even though I have entered an Appearance in the matter.

Further, Affiant sayeth not.

  
ETHAN VINSON

Subscribed and sworn to before me  
this 19<sup>th</sup> day of April, 2007

  
BRENDA R. JEFFERSON  
NOTARY PUBLIC, Wayne County, MI  
My Commission Expires: 5/21/07

# ATTACHMENT 8

From: Angela Morgan  
To: Acker, Kristina; Bostic, Nick; Collette, Hon. William; Easterday, David; Hamlin, Jean  
Ann; Kim, Thomas; Morales, Trinidad; Smith, Janette; Swayze, Rhonda  
Date: 9/6/2005 2:30:29 PM  
Subject: RE: Vacation - Judge Nickerson

Please be advised that Judge Nickerson will be on vacation from  
October 24 through October 25, Monday, October 31.

If you have any questions, please contact me.

Angel

# ATTACHMENT 9

30TH JUDICIAL CIRCUIT COURT  
POLICY AND PROCEDURE MANUAL

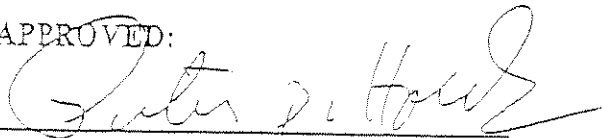
POLICY/PROCEDURE

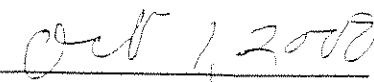
SECTION 3 : Staff Responsibilities NUMBER: 03.03.01 DATE APPROVED: October 1, 2000	TITLE OF POLICY: Court Reporters/Recorders EFFECTIVE DATE: October 1, 2000
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PURPOSE: The purpose of this policy is to establish the work rules for Court Reporters/Recorders in the 30th Circuit Court.

1. Court Reporters/Recorders are administrative employees of the court. They are assigned to judges in the General Trial and Family Divisions of the Court.
2. Court Reporters/Recorders are expected to work 40 hours per week. Those hours are established by the judge to whom they are assigned and may vary from the traditional 8:00 a.m. to 5:00 p.m. schedule. Court Reporters/Recorders may be expected to work more than 40 hours per week. In accordance with the collecting bargaining agreement, they can earn compensatory time for hours that exceed 40 hours in any given week.
3. Court Reporters/Recorders are responsible for attending court sessions and taking a verbatim record of all proceedings identified in MCR 8.108(B)(1).
4. All court reporters and recorders on staff in the 30th Judicial Circuit Court shall be certified by the Michigan Court Reporting and Recording Board of Review as either Certified Stenographic Reporters (CSR) or Certified Electronic Recorders (CER). Renewal fees for certification are the responsibility of the individual court reporter or recorder.
5. Court Reporters/Recorders may be required to substitute for other Court Reporters/Recorders at the direction of the Court Administrator, in consultation with the judge to whom they are assigned.
6. Court Reporters/Recorders shall prepare a monthly pending transcript report for submission to the court administrator. This report shall include the case caption, case number, date ordered, date reporter's certificate was filed, due date, estimated length of transcript, estimated completion date, and show cause date (if applicable).
7. Court Reporters/Recorders may prepare transcripts during court business hours if they are not required to be in court.

APPROVED:

  
Peter D. Houk, Chief Judge

  
Date

# ATTACHMENT 10

# *Ingham County Circuit Court*

## *30th Judicial Circuit*

P.O. BOX 40771  
313 W. KALAMAZOO STREET  
LANSING, MICHIGAN 48901-7971  
TELEPHONE: (517) 483-6500  
FAX: (517) 483-6501

WILLIAM E. COLLETTE  
Chief Circuit Judge

DAVID L. EASTERDAY  
Circuit Court Administrator



RHONDA K. SWAYZE  
Deputy Court Administrator /  
General Trial Division

DONALD L. REISIG  
Deputy Court Administrator /  
Family Division / Friend of the Court

## MEMORANDUM

To: Judge Beverley Nettles-Nickerson

From: Judge William E. Collette  
*W. E. Collette*

Date: December 1, 2005

Re: Judicial Staff

It has come to my attention that due to the manner you are conducting proceedings, your staff is not being given breaks and lunch hours. I attach a copy of an e-mail sent to you by Mr. Easterday in October on this issue. It is my understanding that you told Mr. Easterday that your staff was given breaks and a lunch hour. This does not appear to be the case.

All Judicial staff are covered by one of two Union Contracts for benefit purposes. Law Clerks and Court Reporters are covered by the "Ingham County Employees' Association" (ICEA) Contract. Judicial Assistants are covered by the "Managerial And Confidential Employee Personnel Manual" Agreement.

Article 10, Hours Of Work, in the ICEA Contract says in part :

**Section 3. Work Breaks.** Each employee shall be allowed to have two (2) work breaks during the work day. No more than one (1) work break may be taken before lunch. No more than one (1) work break may be taken after lunch on any one day. The duration of said break shall not exceed fifteen (15) minutes in length. A supervisor may require employees to take their breaks at specific times. Each employee shall be allowed a one (1) hour lunch break between the hours of 11:30 a.m. and 1:30 p.m., unless another arrangement is agreed upon by the employee and the department head or the immediate supervisor if the

department head is not available. Work breaks do not accumulate if not taken."

The work break requirement must be followed for both Mr. Kim and Ms. Hamlin on a daily basis.

A copy of page 23 of the ICEA Contract is attached as well as Mr. Easterday's previous e-mail.

cc: David Easterday, Circuit Court Administrator  
Harold Hailey, Human Resources Director



## ARTICLE 10

### HOURS OF WORK

Section 1. Work Schedule. Those employees who work on shifts shall be subject to a work schedule. A schedule will be posted once every twenty-eight (28) days indicating the normal workday of every member of the department. Said schedule shall be posted at least five (5) days prior to its effective date.

Section 2. Jury Duty. The EMPLOYER shall pay an employee called for jury duty his/her regular straight time rate he/she would earn if working, less an amount equal to the payment received for jury service. An employee excused with two (2) or more hours remaining in their work schedule must return to work for the balance of the day to receive compensation from the EMPLOYER. In order to receive payment, an employee must give the EMPLOYER at least two (2) days' prior notice that he/she has been summoned for jury duty, shall furnish satisfactory evidence that he/she reported for or performed jury duty on the day(s) for which he/she claims such payment, and must furnish a copy of the payments received from such jury duty.

Section 3. Work Breaks. Each employee shall be allowed to have two (2) work breaks during the work day. No more than one (1) work break may be taken before lunch. No more than one (1) work break may be taken after lunch on any one day. The duration of said break shall not exceed fifteen (15) minutes in length. A supervisor may require employees to take their breaks at specific times. Each employee shall be allowed a one (1) hour lunch break between the hours of 11:30 a.m. and 1:30 p.m., unless another arrangement is agreed upon by the employee and the department head or the immediate supervisor if the department head is not available. Work breaks do not accumulate if not taken.

Section 4. Special Exemptions. On each and every nationwide or statewide election day, excluding primaries and school elections, all employees over eighteen (18) years of age, shall be allowed one (1) hour off from their normal duties for the purpose of casting their vote in said election. The decision as to which hour an employee shall be entitled to take off for the above-stated exemption shall be made by the department head or the immediate supervisor if the department head is not available. Necessary travel time may be included in the approved time off for voting if the employee is prevented by his/her supervisor from voting either at the start or end of the shift on that particular day.

Section 5. Court Time. When an off duty employee is required to spend two (2) hours or less in court, he/she shall receive the court paid witness fee; when an off duty employee is required to spend more than two (2) and up to four (4) hours in court, he/she shall receive the difference between the witness fee and Fifteen Dollars (\$15.00). When an off duty employee is required to spend more than four (4) hours in court, he/she shall receive the difference between the witness fee and Twenty-Seven and 50/100 Dollars (\$27.50). Such time spent in court shall include time excused for lunch if the employee is required to return to court. Mileage that may be paid by the court will be considered separate payment and will not be

David Easterday - Jean Ann Hamlin

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From: David Easterday  
To: Nettles-Nickerson, Hon. Beverley  
Date: 10/26/2005 4:49 PM  
Subject: Jean Ann Hamlin

---

Confirming our conversation regarding my follow-up with Harold Hailey and Jean Ann's potential medical issues: he has emphasized the importance of her having her two breaks each day along with the lunch break as allowed by union contract. Harold feels that if she develops health issues at least we will have done what is required as the employer.

If you have any questions please let me know.

# ATTACHMENT 11

*Ingham County Circuit Court*  
*30th Judicial Circuit*

P.O. BOX 40771  
313 W. KALAMAZOO STREET  
LANSING, MICHIGAN 48901-7971  
TELEPHONE: (517) 483-6500  
FAX: (517) 483-6501

WILLIAM E. COLLETTE  
Chief Circuit Judge

DAVID L. EASTERDAY  
Circuit Court Administrator



RHONDA K. SWAYZE  
Deputy Court Administrator /  
General Trial Division

DONALD L. REISIG  
Deputy Court Administrator /  
Family Division / Friend of the Court

## MEMORANDUM

Date: December 12, 2005  
To: Judge Beverley Nettles-Nickerson  
From: Judge William E. Collette *W E C*  
Re: Staff Issues

We have received a request from Ms. Hamlin to be transferred to a different courtroom. This is due in part to her concerns about the manner in which she has been treated by you.

Based on the tone of the e-mail you sent last week, apparently you concur in her request for a reassignment.

I would like you to be aware that the transfer of a Court Reporter to a different courtroom is problematic. Frankly, I believe that there will be a difficult time finding anyone else on staff that will work in your courtroom.

Please put your request for the assignment of a different Court Reporter in writing and send it to Mr. Easterday.

In addition, please provide a written statement that you intend to abide by the various work rules and regulations of this Court under our Union agreements and just plain common sense.

There is no point in trying to reassign Reporters if the current situation continues.

Please provide the above requested memo to Mr. Easterday this week.

cc: D. Easterday  
J. Hughes, SCAO

# ATTACHMENT 12

**From:** David Easterday  
**To:** Baird, Honorable Laura; Collette, Hon. William; Draganchuk, Hon. Joyce; Giddings, Hon. James; Lawless, Hon. Janelle; Manderfield, Hon. Paula J. M. ; Nettles-Nickerson, Hon. Beverley  
**Date:** 12/12/2005 1:40:26 PM  
**Subject:** Court Reporter

We are going to be exploring the possibility of having Jean Ann Hamlin trade positions with another current Court Reporter. I will be sending an e-mail out tomorrow to all Court Reporters asking them if they would be interested in trading positions with Jean Ann. Prior to doing that I wanted to let each of you know what is happening.

# ATTACHMENT 13

From: David Easterday  
To: Abraham, Teresa; Brandell, Paul; Dexter, Melinda; Dungey, Dodie; Larsen, Jody;  
Westfall, Anne  
Date: 12/13/2005 8:37:25 AM  
Subject: Transfer Request

Jean Ann Hamlin has requested, with Judge Nettles-Nickerson's support, that she be transferred to another Judge. The only way that is possible is if any of you are willing to trade your position with her.

If you are interested in making a change in the Judge you work for please let me know. If interested your response is requested by 5:00 p.m. on Monday, December 19th.

Thank you.

CC: Baird, Honorable Laura; Collette, Hon. William; Draganchuk, Hon. Joyce; Giddings, Hon. James; Hamlin, Jean Ann; Lawless, Hon. Janelle; Manderfield, Hon. Paula J. M.; Nettles-Nickerson, Hon. Beverley

Jim

FYI



# ATTACHMENT 14

From: "James Hughes" <HughesJ@courts.mi.gov>  
To: <bnetties-nickerson@ingham.org>  
Date: 12/16/2005 5:32:02 PM ✎  
Subject: Court Reporter Assignments

Judge Nettles-Nickerson,

At your request, I called Chief Judge Collette regarding the assignment of a court reporter to your court. He has decided to assign Ms. Dungy to your courtroom and Ms. Hamlin to Judge Lawless' courtroom, effective next Monday.

This has been done following a request for a transfer by Ms. Hamlin.

Other options were considered. This option was chosen by Judge Collette in the overall interest of the court.

He has the authority to make this decision regarding court reporters.

My recommendation is that you take steps to ensure a smooth transition.

JPH

Jim Hughes  
Region II Administrator  
Michigan Supreme Court/State Court Administrative Office  
P.O. Box 30048  
Lansing, Michigan 48909  
hughesj@courts.mi.gov  
517-373-9353

This message has been prepared on  
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Policy.

# ATTACHMENT 15

***Ingham County Circuit Court***  
***30th Judicial Circuit***

P.O. BOX 40771  
313 W. KALAMAZOO STREET  
LANSING, MICHIGAN 48901-7971  
TELEPHONE: (517) 483-6500  
FAX: (517) 483-6501



WILLIAM E. COLLETTE  
Chief Circuit Judge

DAVID L. EASTERDAY  
Circuit Court Administrator

RHONDA K. SWAYZE  
Deputy Court Administrator /  
General Trial Division

DONALD L. REISIG  
Deputy Court Administrator /  
Family Division / Friend of the Court

## MEMORANDUM

Date: December 15, 2005

To: ~~Judge~~ Nettles-Nickerson  
Judge Janelle A. Lawless  
Dodie Dungey  
Jean Ann Hamlin

From: Chief Judge William E. Collette

Re: Assignment of Court Reporters

Effective Monday, December 19, 2005, Ms. Dodie Dungey will be assigned to Judge Beverley Nettles-Nickerson's Courtroom for Court Reporting purposes. Ms. Jean Ann Hamlin will be assigned on the same date to the Courtroom of Judge Janelle A. Lawless.

Each of the affected employees shall arrange to have their equipment and personal effects moved no later than 5:00 p.m. on Friday, December 16, 2005.

*W. E. Collette*

cc: D. Easterday  
H. Hailey  
J. Draganchuk  
J. Collette  
James Hughes, SCAO

# ATTACHMENT 16

DOROTHY M. DUNGEY  
OFFICIAL COURT REPORTER  
30<sup>TH</sup> JUDICIAL CIRCUIT - VETERANS' MEMORIAL COURTHOUSE  
313 W. Kalamazoo Street, 3<sup>rd</sup> Floor  
Lansing, Michigan 48933  
(517) 483-6502

May 24, 2007

Philip J. Thomas, Esq.  
15450 E. Jefferson Ave., Ste. 160  
Grosse Pointe Park, Michigan, 48230

Dear Mr. Thomas:

Pursuant to your request and instructions I will attempt to tailor my statements accordingly.

I first started my stenographic career in January, 1973 as an Official Reporter in the 30th Circuit. I am the first, and to my knowledge, only African-American Official Reporter to ever work in this Court. My first assigned judge was the Hon. James Kallman. I worked with Judge Kallman and Robert Holmes Bell until October 1979, when I obtained employment as the Official Court Reporter for the Hon. Benjamin Gibson, Western District, Sixth Circuit, Grand Rapids. In 1983, I resigned due to family illness and engaged in federal freelance work.

In 1990, while engaged in freelance work, I was asked to become the temporary Official Reporter for Judge James Giddings. In May of 1992, I was employed as the Official Reporter for the 30th Circuit, assigned to Judge Giddings.

I preface my comments with my reporting background experience because I feel it will give more credence to my comments with reference to Judge Nickerson's performance as a circuit judge. I can honestly state that during my 30 plus years I have had the privilege and blessing of working with some of the most capable, effective and learned legal minds in the United States.

I have worked with judges in all areas of the law. I have worked with judges presiding over trial courts, administrative hearings, as well as bench-only courts and the grand jury for the Western District, Sixth Circuit.

Judge Nickerson came to the bench with a large caseload. As of this time she maintains the lowest volume of open cases in the circuit.

When Judge Nickerson is on the bench, she is well-prepared for the day's proceedings. If she says she has read all the written material submitted by the parties, regardless of the number, she has read their submissions. She does not need, nor require counsel to read what they have submitted in writing. She is prepared to rule at the close of arguments. (The only exception is if the parties bring something not previously submitted to the hearing.)

As a stenographic court reporter, I sincerely appreciate not having to report a legal argument where the attorney attempts to paraphrase what has been submitted in writing. It is one of the most difficult reporting assignments because oftentimes the paraphrasing diminishes the written document and it is difficult to clean it up.

Although I have known Judge Nickerson for more than 20 years, I have not had the opportunity to work with her until December of 2005. (I did have the opportunity to work with her briefly in 1997 and 1998.) At all times, she conducted herself very professionally, courteously, and was always well-prepared. She has no hesitation to ask questions if she is unclear about something or it is new to her.

I find Judge Nickerson to be fair to all litigants that come before her. She makes an effort to accommodate all parties before her, if at all possible. However, she does set limits on protracted matters before the court. I find her to be fair, especially in criminal matters, without disparity.

Judge Nickerson manages her court with dignity, knowledge, and with a mind that intelligently and easily tracks legal arguments, which enables her to process the applicable law and apply it effectively and accurately.

Finally, I feel that this attack on her personal life, which is not an attack on her ability to fulfill her duties and responsibilities as a seated judge, is entirely politically motivated.

Sincerely,

  
Dorothy M. Dungey

# ATTACHMENT 17



**From:** David Easterday  
**To:** Colette, Hon. William  
**Date:** 12/16/2005 9:26:24 AM  
**Subject:** Judge Nettles-Nickerson Voice Mail Message

I received a voice mail message at 5:40 p.m. yesterday from Judge Nettles-Nickerson expressing some concerns about the change in Court Reporter. Judge NN is concerned about the decision made by you yesterday and Union issues regarding Dodie and Teresa. She has requested a meeting immediately this morning with you, myself, her and several others.

I entered into a meeting at 8:00 a.m. this morning with the SCAO auditor, Kay and Teresa, and this is the first opportunity I have had to put this request in writing.

I just talked to Angela Morgan and let her know verbally what had happened and told her that you had said there would be no meeting.

**CC:** [hughesj@courts.mi.gov](mailto:hughesj@courts.mi.gov); Nettles-Nickerson, Hon. Beverley

# ATTACHMENT 18

**From:** Teresa Abraham  
**To:** Nettles-Nickerson, Hon. Beverley  
**Date:** 12/20/2005 11:39:05 AM  
**Subject:** COURT REPORTER POSITION

Judge Nettles-Nickerson:

Although I wholeheartedly appreciate your offer and acceptance of having me as your full-time court reporter, it has been made very clear to me that I am unable to transfer into your courtroom from a part-time position. However, I appreciate your kind consideration.

-Teresa-

**CC:** Collette, Hon. William; Draganchuk, Hon. Joyce

# ATTACHMENT 19

**From:** Hon. Beverley Nettles-Nickerson  
**To:** Abraham, Teresa  
**Date:** 12/20/2005 12:53:09 PM  
**Subject:** Re: COURT REPORTER POSITION

Thank you for accepting the offer that was sent to "ALL" COURT REPORTERS and notice given to ALL Judges, including your Judge. Judge Draganchuk was extremely gracious and supportive. We understood your desire to work full-time and worked out an agreeable transfer date until this became problematic through no part of ours.

At no time, was the transfer request limited, timely revoked or amended. I assume the status quo remains. That is, Dotie with Judge Lawless and Jean Ann in my Court until these issues are resolved. I have sent a copy to Judge Lawless, J. Hughes and Jean Ann.

Again, Theresa I Thank you and your Judge for your professionalism and wish you the best and a happy holiday. Judge BNN

>>> Teresa Abraham 12/20/05 11:39 AM >>>  
Judge Nettles-Nickerson:

Although I wholeheartedly appreciate your offer and acceptance of having me as your full-time court reporter, it has been made very clear to me that I am unable to transfer into your courtroom from a part-time position. However, I appreciate your kind consideration.

-Teresa-

**CC:** Collette, Hon. William; Draganchuk, Hon. Joyce

# ATTACHMENT 20

**From:** Hon. Beverley Nettles-Nickerson  
**To:** Baird, Honorable Laura; Collette, Hon. William; Draganchuk, Hon. Joyce; Easterday, David; Economy, Hon. George; Garcia, Hon. Richard; Giddings, Hon. James; Hughes, James; Lawless, Hon. Janelle; Manderfield, Hon. Paula J. M.  
**Date:** 12/20/2005 3:04:13 PM  
**Subject:** Control of Court reporters Time

PLEASE BE ADVISED THAT THIS ISSUE REGARDING THE CONTROLLING POLICY WITH RESPECT TO THE COURT REPORTERS TIME HAS NOT BEEN RESOLVED. I RESPECTFULLY ASKED TO MEET WITH MY COLLEAGUES TO DISCUSS THIS ISSUE WITH YOUR INSIGHT AND GUIDANCE. BEFORE ANY CHANGES OCCUR.

JAMIE HAS BROUGHT DOWN MOVING BOXES FOR JEAN ANN. I AM NOT ALLOWING ANYONE IN MY COURT REPORTER'S OFFICE WITHOUT INPUT. IF LEGAL ACTION IS THE ONLY AVENUE, SO BE IT. THE ISSUES INVOLVED MORE THAN MY OFFICE AND MY REPORTER. I WILL ALSO SEEK GUIDANCE FROM PASTOR JONES, MY MINISTER, HEAD OF THE BLACK PASTOR'S CONFERENCE FOR DIRECTION/SUPPORT.

THANKING YOU IN ADVANCE. FURTHER, I WAS SCHEDULE FOR VACATION IT IS CANCELED.

**CC:** Abraham, Teresa; Dungey, Dodie; Hailey, Harold; Hamlin, Jean Ann

# ATTACHMENT 21



**From:** Hon. Beverley Nettles-Nickerson  
**To:** judges  
**Date:** 12/20/2005 3:14:21 PM  
**Subject:** Follow-up

I FAILED TO INCLUDE THAT THE ASSOCIATION OF BLACK JUDGES (JUDGE HAYES-SIPES) INPUT/SUPPORT WILL BE REQUESTED, IF NECESSARY. I PREFER TO DEAL WITH THIS INTERNALLY BUT EACH JUDGE SHOULD HAVE CONTROL OVER THEIR DOCKET AND TRIAL SCHEDULE IN ACCORDANCE WITH THE SCAO AND OUR POLICY AND PROCEDURE, 03.03.01, EFFECTIVE 10-2000, ( #2).

## ATTACHMENT 22

Hon. Beverley Nettles-Nickerson - Re: Ingham County Bench. en banc
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Page 1
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**From:** Dodie Dungey  
**To:** Baird, Honorable Laura; Collette, Hon. William; Draganchuk, Hon. Joyce; Economy, Hon. George; Garcia, Hon. Richard; Giddings, Hon. James; Lawless, Hon. Janelle; Manderfield, Hon. Paula J. M.; Nettles-Nickerson, Hon. Beverley  
**Date:** 12/21/2005 10:01:00 AM  
**Subject:** Re: Ingham County Bench. en banc

Correction: I do not feel that I should be compelled to be placed in an unpleasant and/or uneasy situation.

I apologize for the omission.

**CC:** Bishop, Don; Easterday, David; Hailey, Harold

# ATTACHMENT 23

**From:** Hon. Beverley Nettles-Nickerson  
**To:** Baird, Honorable Laura; Collette, Hon. William; Draganchuk, Hon. Joyce; Dungey, Dodie; Economy, Hon. George; Garcia, Hon. Richard; Giddings, Hon. James; Lawless, Hon. Janelle; Manderfield, Hon. Paula J. M.  
**Date:** 12/21/05 11:43:43 AM  
**Subject:** Re: Ingham County Bench. en banc

I AGREE TOTALLY WITH DODIE. THIS SITUATION WAS NOT THE CAUSE OR MADE PROBLEMATIC BY DODIE, THERESA OR MYSELF. I HAVE REQUESTED A MEETING WITH THE CHIEF JUDGE AND MY BENCH TO UNDERSTAND WHO CONTROLS COURT REPORTERS TIME. TO DATE, AT MEETING HAS NOT BEEN ARRANGE AND I AM WITHOUT A COURT REPORTER. I HAVE SOME COUNTY INMATES I WOULD LIKE TO WRIT OVER Thursday TO HANDLE SOME EARLY OUT REQUEST.

>>> Dodie Dungey 12/21/05 10:00 AM >>>

Correction: I do not feel that I should be compelled to be placed in an unpleasant and/or uneasy situation.

I apologize for the omission.

**CC:** Bishop, Don; Easterday, David; Hailey, Harold

# ATTACHMENT 24

**From:** Hon. Beverley Nettles-Nickerson  
**To:** Collette, Hon. William  
**Date:** 12/21/2005 2:10:54 PM  
**Subject:** Re: court reporting

Hello Judge Collette, I have previously requested a meeting, more than once, with you and all the judges to bring closure to the issue of who controls the Court reporters TIME. while they are reporting for a Judge. NOT THE ASSIGNMENT OF COURT REPORTERS'. TO DATE, YOU HAVE NOT RESPONDED. I again RESPECTFULLY, REQUEST A MEETING TO ADDRESS THIS ISSUE THAT EFFECTS THE ENTIRE BENCH. My JA called to obtain the number of your prior court RECORDER that you brought with you from District court, Tracy, the one that paid to have the court set up for recording instead of using a court reporter at your request and approval. The Chief Judge at that time deferred to your judgment and request regarding who you had to work with on a Dailey basis.

Tracy has relocated and is a personal friend of Angie's and myself. She usually sends a holiday card every year. I do not see how this is within the Chief Judge Duties. However, I have replied and provided you with the reason why she asked for Tracy's number.

I am sure you are aware Jean Ann removed her items from my office and I spoke with her via phone and asked her to not remove any items until the issue of Docket time was resolved, she hung the phone up on me and placed her calls into voice mail. WAS THIS CONDUCT AT YOUR DIRECTION OR APPROVAL? Dotie has refused to be placed, at your directive, in this uncomfortable situation that you created. I concur with Dotie and Theresa.

Thank you for your cooperation. Bev

# ATTACHMENT 25



# *Circuit Court of the State of Michigan*

## *30th Judicial Circuit*

WILLIAM E. COLLETTE  
JOYCE DRAGANCHUK  
JAMES R. GIDDINGS  
PAULA J. M. MANDERFIELD  
BEVERLY NETTLES-NICKERSON  
Circuit Judges - General Trial Division



313 W. KALAMAZOO STREET  
LANSING, MICHIGAN 48933  
TELEPHONE: (517) 483-6524

FAX: (517) 483-6534

January 3, 2006

### MEMORANDUM

PERSONAL AND CONFIDENTIAL

TO: William C. Collette, Chief Judge  
FROM: James R. Giddings  
RE: Judicial Staff

This is a follow up to conversations we have had regarding the attached memo and e-mail that was sent to Judge Nettles-Nickerson on December 1, 2005.

Your memo raises a concern for me because it references procedures which apply presumably to all courts, including mine. Obviously, any standard procedure which applies to any one judge must apply with equal force to all judges. As you correctly note, the union contract clearly provides for a one hour lunch break between the hours of 11:30 a.m. and 1:30 p.m.

As you know, for over 20 years my jury and non-jury trial schedule has run from 8:30 a.m. to, and some times beyond, 1:30 p.m., a schedule which is not unique. In the past, others including former Chief Judge Peter Houk followed a similar schedule.

It has been my position that this union contract may not control the hours during which judges operate their respective courts. On trial days, I do not allow the court reporter/recorder any lunch break between the hours of 11:30 and 1:30 p.m. Nor have any of my court reporters/recorders taken the position that they

were entitled by virtue of the labor agreement to demand a one hour lunch period within that time frame. To do otherwise would interfere with my ability to transact the court's business, i.e., if I have to stop my morning session for an hour to grant a recorder/reporter a one hour lunch break.

I have never formally agreed on any "arrangement" with my court reporter/recorder to insure his or her presence in court during the period of time that court was in session. When I interview a new court reporter/recorder, I make clear what my schedule is. I assume that if they take the job they are willing to adhere to my trial schedule. Is that an "arrangement"?

This specific issue, the impact of the union contract on court proceedings, has been discussed at one or more judges meetings. As a result, former Chief Judge Peter Houk circulated a memorandum, a copy of which is also attached.

Note that paragraph 2 specifically provides that the hours of court reporters/recorders "are established by the judge to whom they are assigned and may vary from the traditional 8:00 a.m. to 5:00 p.m. schedule." (Emphasis added) That is the practice our judges have followed for years.

Paragraph 3 states that "court reporters/recorders are responsible for attending court sessions. . . ." Note as well the measure of schedule freedom enjoyed by court reporters/recorders, which is not available to any other employees. For example, paragraph 7 of the same policy allows court reporters/recorders to prepare transcripts during court business hours if they are not required to be in court. Obviously, if they are not "on the record," they can take lunch or other breaks as it suits them.

Since I do not now have and never have had any "arrangement" with my court reporter/recorder regarding work breaks, your memo raises two questions:

- 1) Are judges who work a non-traditional schedule, i.e. 8:30 a.m. to 1:30 p.m., under some obligation, at least on trial days, to give court reporters/recorders a one hour lunch break between 11:30 a.m. and 1:30 p.m?

- 2) What happens if a court reporter/recorder insists that they are entitled to a lunch hour in those hours after having worked on a different schedule for months or years without objection? Are judges and other court reporters/recorders expected to give way to the unilateral objections of one court reporter?

I suggest it is unfair and inefficient to expect judges to either adjust courtroom schedules based on the complaints of a disgruntled court reporter or be forced to accept a different court reporter (we might not have hired at all) simply because the incumbent reporter is no longer willing to follow the judges's schedule.

To avoid future misunderstanding, I request that this matter be promptly discussed and resolved by you and our colleagues in light of the current and historical practice, of the policy/procedure adopted by the court five years ago and of the current union contract. Thank you.

cc: Judge Baird  
Judge Draganchuk  
Judge Economy  
Judge Garcia  
Judge Lawless  
Judge Manderfield  
Judge Nettles-Nickerson  
David Easterday, Court Administrator

30TH JUDICIAL CIRCUIT COURT  
POLICY AND PROCEDURE MANUAL

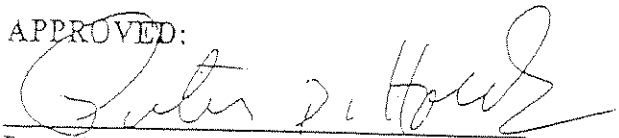
POLICY/PROCEDURE

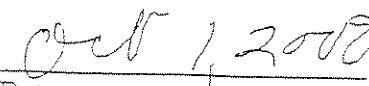
SECTION 3 : Staff Responsibilities	TITLE OF POLICY: Court Reporters/Recorders
NUMBER: 03.03.01	
DATE APPROVED: October 1, 2000	EFFECTIVE DATE: October 1, 2000

PURPOSE: The purpose of this policy is to establish the work rules for Court Reporters/Recorders in the 30th Circuit Court.

1. Court Reporters/Recorders are administrative employees of the court. They are assigned to judges in the General Trial and Family Divisions of the Court.
2. Court Reporters/Recorders are expected to work 40 hours per week. Those hours are established by the judge to whom they are assigned and may vary from the traditional 8:00 a.m. to 5:00 p.m. schedule. Court Reporters/Recorders may be expected to work more than 40 hours per week. In accordance with the collecting bargaining agreement, they can earn compensatory time for hours that exceed 40 hours in any given week.
3. Court Reporters/Recorders are responsible for attending court sessions and taking a verbatim record of all proceedings identified in MCR 8.108(B)(1).
4. All court reporters and recorders on staff in the 30th Judicial Circuit Court shall be certified by the Michigan Court Reporting and Recording Board of Review as either Certified Stenographic Reporters (CSR) or Certified Electronic Recorders (CER). Renewal fees for certification are the responsibility of the individual court reporter or recorder.
5. Court Reporters/Recorders may be required to substitute for other Court Reporters/Recorders at the direction of the Court Administrator, in consultation with the judge to whom they are assigned.
6. Court Reporters/Recorders shall prepare a monthly pending transcript report for submission to the court administrator. This report shall include the case caption, case number, date ordered, date reporter's certificate was filed, due date, estimated length of transcript, estimated completion date, and show cause date (if applicable).
7. Court Reporters/Recorders may prepare transcripts during court business hours if they are not required to be in court.

APPROVED:

  
Peter D. Houk, Chief Judge

  
Date